

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

JOHN FLETCHER

PLAINTIFF

v.

Case No. 1:18-cv-1078

SHELTER MUTUAL INSURANCE
COMPANY

DEFENDANT

ORDER

Before the Court is the parties' Joint Motion to Dismiss. (ECF No. 9). The Court finds that no response is necessary and that the matter is ripe for consideration.

On November 27, 2018, Plaintiff John Fletcher filed this breach of contract action in the Ouachita County Circuit Court against Defendant Shelter Mutual Insurance Company. On December 27, 2018, Defendant removed the case to this Court pursuant to 28 U.S.C. § 1332(a)(1). On May 10, 2019, the parties filed the instant motion, stating that they have settled all issues in this matter and asking that the Court dismiss this case with prejudice, with each party bearing its own fees and costs.

An action may be dismissed by court order at the plaintiff's request, on terms the court considers proper. Fed. R. Civ. P. 41(a)(2). "Voluntary dismissal under Rule 41(a)(2) should not be granted if a party will be prejudiced by the dismissal." *Adams v. USAA Cas. Ins. Co.*, 863 F.3d 1069, 1079 (8th Cir. 2017).

Upon consideration, the Court finds that good cause for the motion has been shown, as no party would be prejudiced by the dismissal of this case as requested. Accordingly, the parties' joint motion (ECF No. 9) is hereby **GRANTED**. This case is hereby **DISMISSED WITH PREJUDICE**. Each party shall bear its own fees and costs. If any party desires that the terms of

settlement be a part of the record therein, those terms should be reduced to writing and filed with the Court within thirty (30) days of the entry of this judgment. The Court retains jurisdiction to vacate this order and to reopen this action upon cause shown that the settlement has not been completed and further litigation is necessary.

IT IS SO ORDERED, this 13th day of May, 2019.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge